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PTO/SB/21 (09-14)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number 09/810,988  
Filing Date March 16, 2001  
First Named Inventor Gerhard Scheuch et al.  
Art Unit 3761  
Examiner Name Glenn K. Dawson  
Attorney Docket Number RVOS-E1341US

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Correction of errors in small entity status
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Post Card
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	BROWN & MICHAELS, PC		
Signature			
Printed name	Meghan A. Van Leeuwen		
Date	2/3/04	Reg. No.	45,612

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Justin Wood	Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

February 3, 2006

Serial No. 09/810,988  
Applicant: Gerhard Scheuch et al.  
Filed: March 16, 2001  
Title: Device for the Controlled Inhalation of Therapeutic Aerosols  
Art Unit: 3761  
Examiner: Glenn K. Dawson  
Confirmation Number: 7304  
Attorney Docket No.: RVOS-E1341US

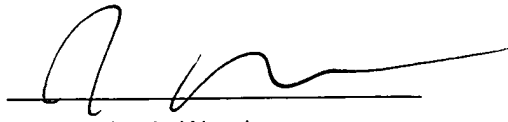
HONORABLE COMMISSIONER OF PATENTS  
Alexandria, VA 22313-1450

**CORRECTION OF ERRORS IN SMALL ENTITY STATUS UNDER 37 CFR § 1.28 (c)**

Applicant incorrectly paid small entity status fees in good faith beginning with the filing of a request for continued examination with a two-month extension of time on May 25, 2004. These payments were made in error.

As stated in 37 CFR 1.28 (c), such an error may be excused upon compliance with the following requirements:

- 1) Submission of an itemization of all fees paid, and calculation of the deficiencies owed for each fee previously paid as a small entity; and
- 2) payment of all deficiencies owed.

CERTIFICATE OF MAILING	
<b>Certified Mail No.: 7004 0750 0003 0365 3135</b>	<b>Date: February 3, 2006</b>
I hereby certify that this correspondence is being deposited in the U.S. Postal Service as Certified Mail with a return receipt requested, in an envelope addressed to the Commissioner of Patents Alexandria, VA 22313-1450.	
 Justin Wood	
02/07/2006 SLUANG1	00000014 09810988
01 FC:1801	790.00 OP
02 FC:1252	450.00 OP
03 FC:1253	1020.00 OP



**1. Itemization of all fees paid and the deficiencies associated with each of the fees**

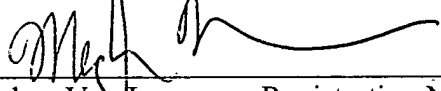
Type of Fee	Small Entity Amount Paid	Date Paid	Current Large Entity Fee	Difference Between Paid Fee & Large Entity Fee (Deficiency Amount Owed)
Two-month extension of time fee	\$210.00	05/25/04	\$450.00	\$240.00
Request for Continued Examination	\$385.00	05/25/04	\$790.00	\$405.00
Three-month extension of time fee	\$510.00	08/26/05	\$1020.00	\$510.00
			Total Owed:	<b><u>\$1155.00</u></b>

**2. Payment of deficiencies**

The deficiency in the amount of \$1155.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to **Deposit Account No. 02-0910**.

Respectfully Submitted:  
Gerhard Scheuch et al.

By:   
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Dated: February 3, 2006

Adjustment date: 02/07/2006 SLUANG1  
05/28/2004 EFLDRES 00000152 09810988 -385.00 DP  
01 FC:2801

Adjustment date: 02/07/2006 SLUANG1  
05/28/2004 EFLDRES 00000152 09810988 -210.00 DP  
02 FC:2252

Adjustment date: 02/07/2006 SLUANG1  
08/31/2005 ZTUHAR1 00000008 09810988 -510.00 DP  
01 FC:2253